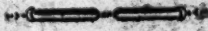


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AN

ESSAY

ON THE

TWO BILLS

OF

LORD GRENVILLE AND MR. PITT.





AN
ESSAY
ON THE CAUSES WHICH HAVE PRODUCED,
THE PRINCIPLES WHICH SUPPORT,
AND THE
CONSEQUENCES WHICH MAY FOLLOW,
FROM THE
TWO BILLS
OF
LORD GRENVILLE

AND
MR. PITT.

THE ONE ENTITLED,
"AN ACT FOR THE SAFETY AND PRESERVATION OF HIS
MAJESTY'S PERSON AND GOVERNMENT, &c. &c."

THE OTHER,
AN ACT FOR THE MORE EFFECTUALLY
PREVENTING SEDITIOUS MEETINGS
AND ASSEMBLIES."

DEDICATED (BY PERMISSION)
TO THE
HONOURABLE THOMAS ERSKINE.

By JAMES ROPER HEAD,
OF HERMITAGE, IN THE COUNTY OF KENT, ESQ.

ROCHESTER:

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MDCCXCVI,

AN
ESSAY

ON THE CAUSES WHICH HAVE PRODUCED
THE PRESENT STATE OF THE
AND THE
CONSEQUENCES WHICH MAY BE
EXPECTED FROM IT



T. W. O. L.

LORD CHANCELLOR

AND

MR. JUSTICE

OF THE COURT OF COMMONS

IN PARLIAMENT ASSEMBLED

AT THE HOUSE OF COMMONS

THE 14TH OF JANUARY 1856

THE FOLLOWING

RESOLUTIONS

WERE PASSED

IN THE HOUSE OF COMMONS

ON THE 14TH OF JANUARY 1856

BY THE HOUSE OF COMMONS

IN PARLIAMENT ASSEMBLED

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BY THE HOUSE OF COMMONS

IN PARLIAMENT ASSEMBLED

THE 14TH OF JANUARY 1856

THE FOLLOWING

RESOLUTIONS

TO HIM
WHO, BY HIS PRACTICE, HAS ADDED
DIGNITY AND HONOUR
TO THE BRITISH BAR!

TO HIM
WHO IS THE MOST ELOQUENT ADVOCATE AND
SUPPORTER OF GOOD,
AND THE MOST POWERFUL OPPOSER
OF
BAD LAWS!

TO
THE HONOURABLE THOMAS ERSKINE
THIS MITE
IS DEDICATED,

BY
HIS MOST WARM AND SINCERE FRIEND,
JAMES ROPER HEAD.

HERMITAGE, NEAR ROCHESTER,
FEB. 27, 1796.

WHO BY HIS DEEDS HAS BEEN

DIGNITY AND HONOR

TO THE NATION

TO HIM

WHO IN THE MOST HONORABLE MANNER

DISCLOSED OF GOOD

TO THE NATION

TO HIM

TO

THE NATION

TO HIM

TO HIM

TO

THE MOST HONORABLE AND WISE

TO HIM

TO HIM

TO HIM

ESSAY.

THERE are some men who, when they view a picture, are struck only by its tawdry colouring, and who therefore consider this nation, only as it enjoys a revenue of unexampled extent ; a numerous navy ; myriads of soldiers ; a government prodigal in expenditure of blood and treasure ; an intrepid and general resolution for war.

And yet when the vigorous pulse of the nation beats so strong ; when the agonized force of this mighty Empire is screwed to its utmost torture of action ; when it stands so high on its own lofty power, as to look upon treaty with the enemy as degradation ; how happens it in this enthusiastic fever of national exertion, that a few, a very few private individuals, should so shake and convulse its interior polity ?

Of these individuals, and whether or no they are guilty of seditious practices, I know nothing,
except

except that the timidity of the present Ministers has given them a consequence, which their rank in society has not otherwise entitled them to. I think there is much meanness in doling out a certain portion of daily invective, for daily pay. It is dishonourable to trade on the real distresses of the people, and to retail discontents for private emolument. It attaches to him who does this, suspicion on his principles; it tears from his private character all public respectability. And yet, it is from men such as these, that a terror, either affected or real, has been extended over a vast Empire.

Whereas, if these men have spread over the streets of London the dirt of sedition, even knee deep, the most simple and appropriate mode of cleansing away the filth, would have been, by fairly trying what the exertions of the Civil Power were competent to effect; and if after repeated trial, it had been found inadequate, some more drastic and operative measure ought then to have been adopted: but then the measure adopted ought to be calculated to cure the evil, and not annihilate the subject. To cleanse the streets we suppose to be the object; to gain that object it would rather be harsh and violent

violent to pull down the houses, and blow up their foundations.—So far for figure, now for argument.

Some Seditious, as they are termed, gave political lectures, and crouds of people attended these lectures. Of what nature they were, as I never heard them, I cannot state; but I will suppose for argument, in the words of the bills, they were “Factionous.” There are now two parties before us—first, the Seditious who gave the lectures, and next, the people who attended and received them. I will suppose both givers and receivers guilty of something: I know not what, but I will call it a Misdemeanor. What then has been the conduct of Ministers on this occasion? They suffer these Seditious to pass off without notice, who are the most active, and they punish the people, because they heard them, who are the passive party. The cry of Ministers has been, that these sturdy Orators could not be gagged or punished; that bringing them to trial was conducting them to acquittal.—The first question is, have they been guilty? if they have been guilty, they must have erred against some law, and by that law they may be punished. If they have erred against no law, why then they

have not offended ; and if they have not offended in what they have said, the people who heard only, can much less be guilty.

Reverse the medal, and suppose that these Orators, by sowing with industrious and criminal care, the seeds of sedition, have been guilty of a misdemeanor ; why were not the words of these men taken down by proper people sent for that purpose ? Why has the activity of Ministers, so flippant and volatile in cases of supposed Treason, been so stagnant and supine in cases of Sedition ? There have been, to be sure, Men, who have arrogated to themselves the power of anticipating the eventual verdicts of British Juries ; but supposing for a moment, an impudent and absurd proposition to be true ; namely, that if the words of these Orators had been accurately taken down, and that when taken down, they had amounted to a strong case of Misdemeanor, which strong case had come before a Jury, and that the Jury were pre-determined against law and evidence, to bring in verdicts of acquittal ; the Minister would then have had one single fact, at least, to ground an assertion, that the present laws were inadequate

inadequate to the punishment of these offences, whereas at present he has none.

The power of the laws existing previous to these bills, ought to have been repeatedly tried, and repeatedly found ineffectual ; until the evil had broken out into some overt act ; until some violence or riot had been committed ; until the danger had presented itself bold and embodied, no new laws ought to have been thought of. It may appear to some, that to wait till the peace of the capital was infringed, by any act of positive violence, was to slumber too long ; and that violence once committed, was the immediate precursor of Anarchy and Confusion.

But from such apprehensions, my mind was entirely at rest ; for it rested in confidence on the bold assurance of the SECRETARY AT WAR, who asserted, and I dare say with great truth, that he had " Force more than Law." He had, I make no doubt, a broad-sword ready to open the head of every perturbator of the public peace, and a brace of bullets entirely at the service of every looker on.

The definition of the word Seditious, as given by Dr. Johnson, is "Faction with Tumult;" but the numerous followers of these Seditiousists were unarmed, they met in the open day, by public advertisement, at stated places; at appointed times; they conducted themselves peaceably, they retired quickly home. If their numbers gave cause of suspicion and fear, it could only be in places such as London, and other very large towns. Why then were not the clauses of the new bills confined at least to those places, and to a reasonable circumferencial distance, where the deadly plants of sedition were so exuberant. Sedition can only be dangerous, where population is crowded close together. Why therefore insult nearly three millions of people residing in the country, by libelling their principles, and classing their meetings as dangerous, when they have not had any which deserve to be so stigmatized. It is the nature of very common philosophy to bear injuries with patience; but it has always been dangerous to goad, and irritate the feelings of a people, who were born to live, and who wish to die free.

The appreciation of injuries is generally liable to something like arithmetical calculation; a
man

man can frequently guess the quantum of the loss sustained, and its value; but an insult is measured by the feelings; is exaggerated by the fancy, and the resentment, more or less strong, is not regulated by measure of calculation, but by the mildness or violence of the temper of the man insulted. Surely neither the abilities nor rank of these Seditionists, as they are called, have been of that brilliancy and weight, as to have produced either numerous meetings, or many proselytes, unless the minds of the people were very generally united; not by any arguments they may have heard from them, but from a conviction which they felt, that they are a people very much injured, and very much insulted: or at least, that whether right or wrong, they believed it.

This country seems to be divided into two classes; the first the most numerous, who are grievously laden with taxes, and who therefore are the payers of all; and the second, the few who receive much. I have never joined in the scurrilous epithets so usually bestowed on placemen and pensioners, because I do not know that in general, a pension, or a place, make a good man a bad one. Providence seems to have made

a good heart incapable of being debauched, by any pecuniary temptation; but though this noble seat of every thing which gives dignity to human nature, may retain its purity; yet the understanding which is to guide its actions, is more fallible.

A place or pension is a general retainer on the understanding, which is clogged and impeded in its proper course of thought; it no longer vibrates freely, its oscillation is stopped, sometimes by fear of losing its acquirement, and sometimes by gratitude for the acquisition itself. Whether the pensioner or placeman dispenses properly or improperly, the advantages of his situation, he lays the same dead weight on the public purse. His virtues, however splendid they may be, take nothing away from his arithmetical incumbrance; but if he has vices, they hang high aloof, are watched by the eye of the public, and form one great feature of disgust and discontent.

The next grand grievance is, that alacrity and preference for War, which is the favorite failing of the present day. A successful and glorious War (for I never read of any which I thought
just

just, or necessary, unless for Liberty or to repel Invasion) is certainly a great harvest to Contractors, Agents, &c. To the Army it is a source of Ruin, Death, and a little Promotion—the comforts of a bad annuity to a broken constitution. To the Seaman it is this lottery—a Broadside or a Prize. To the Court, it is matter certainly of great mental amusement: it is full of incident, something like a game of cards in private life, except that there, one party has the chance of fortune equal to the other: whereas in contests, whether for honor or territory, or any other cause, between Sovereign Powers, the fruits of the contest, if any arise, which are purchased by the blood and treasure of the People, are pocketed by the Sovereign, and the respective People get nothing; if the Sovereign loses, the People pay all.

Another very general, I do not say just, ground of discontent, is a Famine treading close upon us, the mischiefs and extent of which no human being can calculate; and which, though not produced, is increased considerably by the War. These are the prominent causes of discontent; the famished and hungry People have received the heavy chastisement of Providence with

with submission; they could wish to receive from their Earthly Rulers some relaxation from their Burdens; instead of which, the impositions placed upon them, are so numerous, that not a thing which can be named has escaped the greedy Eye of Finance: the use of Speech, God's gift to Man, is now shackled and impeded; the Bodies and Goods of the Subject have long borne, with submissive patience, the Public Burdens imposed on them—the Mind is now taxed, and Taxation can go no further.

There are other causes, which have also a violent effect upon the Public Mind, and which, though not so broadly bottomed on true and wise principles as the former ones, are perhaps the more pungent, because they irritate and insult the Passions of the People, who, like all generous People, are more irritable in their feelings than for their interest. I mean to allude to strange unconstitutional doctrines, openly promulgated, and insisted upon, by Men whose education, and high position in public, give a force and sting to the insult committed. The first who stands forward in this list, and outstrips all competition, is the Bishop of ROCHESTER. Now, though his Lordship's parliamentary rank gave

gave him an undoubted right of declaring his opinion upon any political measure whatever; yet, the conduct of his own Pious and Reverend Bench was too near his observation, not to make it plainly perceptible to him, that they in general confined themselves to the multifarious occupations of their own callings; or that at least, in matters abstracted from them, they always demeaned themselves with a mildness and moderation suited to their situation. In such a situation, it would better have become him to instruct than insult the Mass of the People. In an English Bishop we are accustomed to see a loyal and ardent gratitude to the Sovereign—a warm and affectionate interest for the well-being of the People. It cannot be forgotten for whom his splendid situation was created, nor by whom it is supported: he was in honor and gratitude bound rather to exalt than to debase that Mass of People, for whose express benefit he is clothed in purple and fine linen, and fareth sumptuously every day.

Mr. WYNDHAM next follows, “ *Haud passibus æquis.*” Nothing but the retaining fee of office could force an elegant and strong mind so much off its balance, as to induce him to apply the term “Acquitted Felons,” to men who had
passed

passed many days in prison, and who are perhaps for the most part ruined in their fortunes by the consequences of their being innocent of the imputed Crime of Treason. He who meddles with a verdict, when once delivered, so far as to doubt of its propriety, has nothing to propose against the best evidence of guilt or innocence, but his own bare, unsupported, and unauthorised private opinion. It is not decent to attempt to shake that most venerable establishment of the Test of Truth. It is a gross insult to the Jury upon whom it attaches—it is a gross insult to the People whose lives and fortunes are by them protected. If the Verdicts of Juries are not the true and solemn tests of guilt or innocence, then are the seats of Human Justice torn down; then may the tears of oppressed innocence for ever flow, and the punishment of guilt must be left to an avenging God in another world.

Another expression used by this gentleman, has spread far and wide a strong dissatisfaction, "That he had Force more than Law," alluding to the Soldiery who had garrisoned London, and whom the People think they pay
more

more particularly for fighting foolish quarrels abroad, than for cutting throats at home.

These appear to me to be a few of the most forcible and general causes of discontent: I shall now proceed to investigate the principal Clauses of the present Bills. I think them admirably adapted to conceal, but not to cure Sedition. In 1553, when the Crown of England was snatched from the head of Lady Jane Gray, and hardly fitted to the head of Mary, a Sovereign of whom Mr. Hume says, " She possessed few qualities either estimable or amiable, and her person was as little engaging as her behavior and address. Obstinacy, bigotry, violence, cruelty, malignity, revenge, tyranny, every circumstance of her character, took a tincture from her bad temper and narrow understanding."

The reign of a Sovereign who burnt and murdered her own character daily, by burning and murdering her own subjects, is not at first sight an æra from which a lesson of public virtue, and attention to the Rights of the People, should have been expected. But yet, in the very first year of her reign, in the first Act of the Parliament

ment of this Princeſs, the following eloquent and humane ſentiments are found, “ Foras-
 “ much as the ſtate of every king, ruler, and
 “ governor of any realm, dominion, or com-
 “ monalty, ſtandeth, and conſiſteth, more af-
 “ ſured, by the love and favor of the Subject
 “ toward their ſovereign, ruler, and governor,
 “ than in the dread and fear of laws, made with
 “ rigorous pains and extreme puniſhment, for
 “ not obeying of their ſovereign, ruler, and
 “ governor, and laws, alſo juſtly made for the
 “ preſervation of the Common Weal, without
 “ extreme puniſhment or great penalty, are
 “ more often for the moſt part obeyed and
 “ kept, than laws and ſtatutes made with great
 “ and extreme puniſhments, and in ſpecial ſuch
 “ laws and ſtatutes ſo made, whereby not only
 “ the ignorant and rude unlearned people, but
 “ alſo learned and expert people, minding ho-
 “ neſty, are often and many times trapped and
 “ ſnared, yea, many times for words only with-
 “ out other fact or deed done or perpetrated.”

In this ſame year it muſt be remarked, the kingdom was convulſed by open rebellion, by troops levied in the heart of London, and headed by the Duke of Northumberland, who was
 in

in possession of the Tower ; a man who had murdered the uncle of the king by a mock trial ; a man who in the preceding reign, had governed England, and who had now placed a rival Queen on its Throne. It was a time when the spirit of religious persecution was quickly verging to its highest fury. The time and circumstances, therefore, under which it passed, adds dignity to its wisdom, and calls for gratitude for its humanity. Are the times we now tread on similar to this period ? Are these Seditiousists, as they are called, the Northumberland of that day ? No : if the Tower of London has lately been fortified and repaired, yet these Seditiousists have never attempted either to garrison or to seize it.

The Wisdom of Man is now ripened by the flux of nearly two hundred and fifty years experience since this period. The history of the world is but the record of the human heart, and of its actions, and yet we learn, that even in this dark and barbarous period, it was well known, that laws of extreme pain and punishment, laws so made, that not only the ignorant and unlearned people, but also learned and expert people were entrapped and snared for words only, were laws too bad even for those bad times,

times, and that they were therefore annulled and repealed. It was in this moment of despotism and public despair, that this wise and humane bill burst out into action; at that time the will of the Sovereign was the law to the people, and the Minister was the organ of that will. His Power was too great and the People too depressed, to make it necessary for him to apply that machinery, which modern art has since introduced, under the name of State Policy; a word of cant and imbecility, authorised indeed, when one Sovereign is in treaty with another Foreign Power, to hinder each other, if possible, from knowing the exact value of the thing treated for; but always to be suspected, when it is made the stalking horse to blind and cover those interests, which ought ever to be mutual and apparent between the governor and the people governed—a word of impudent and bold pretext, a word now used as a cloak, to conceal at one time the expenditure of public money, and at another to justify, upon its own aerial basis, a supposed necessity of coercion and suspension of Public Liberty.

All human laws are, or ought to be, grounded on the broad basis of justice and morality.

In

In the common currency of human events, there does not arise, in the course of a century, in any one nation, a case where an absolute departure from these principles is justifiable, for it cannot be justified, without a paramount and transcendent necessity; a necessity bottomed on facts, and not on speculation; a necessity which carries with it, as it acts, its own apparent and undoubted plea and apology.

The principle of these Bills seems to be, that, whereas these Seditious had assembled many people, (the number of which, however, in respect to the community at large, were never one hundred thousandth part), and, whereas, these people so assembled, were never guilty of the least act of riot and outrage whatever, and if they had, there was "Force more than Law" to oppose them, and to preserve in due decorum the peace of the country: and, whereas, these Seditious had confined their meetings to a circumference of London, within the limits of its bills of mortality; in which, if every man therein residing had been contaminated by Sedition, their numbers would not have amounted to above one eighth part of the community; therefore, for none of these reasons, nor for any

other known or approved good reason, are Seven Millions of People abridged in Rights, which Nature first gave them, which were antecedent to Legislation, and creative of Law and Government.

As to Lord GRENVILLE's Bill, I with I could believe it to be, what it assumes to itself, " An Act for the Safety and Preservation of his Majesty's Person and Government." God forbid that the People of this Country should enjoy their Liberties at the risk of the Sovereign's life, however remote that risk might be, or that Interests so distinct should ever be brought in rude shock and competition—in clumsy and indelicate connexion, with each other.

In proportion as the People are free, the Constitution, and therefore the Life of the King is more endeared to them, from Interest, as well as Affection. The Providence which raises a Sovereign to the Throne, raises him to that pinnacle of human grandeur, affailable by storms, which pass unnoticed over the heads of the People, and which bid defiance to all human law. No man spurns with more indignant horror and contempt

contempt, those unmanlike wretches who so grossly insulted the honor of their country, and the person of their King, than I do: but I see no additional Palladium to screen his Majesty's Person in this Bill. If I did, I would submit in silence to the surrender of as much, or more Liberty than was of exact necessity for that purpose.

In the despotic Governments of the East, where the Sovereign's Will is the paramount, and only known law to the country, and where the protection of his person seems to be almost the only object of its Government, we find them more particularly liable to personal danger, by the very means they take to prevent it:

“ Because the state of every king, ruler, and
“ governor of every realm, dominion, or com-
“ monalty, standeth and consisteth more assur-
“ ed, by the love and favour of the Subjects
“ towards their sovereign, ruler, or governor,
“ than in the dread and fear of laws, made with
“ rigorous pains and extreme punishment.”—

What is meant by an intention to stir up the People to hatred or contempt of the GOVERNMENT or Constitution of the Realm, is a mode of expression extremely well calculated to secure

its meaning from all common comprehension—it is a word I do not understand; as a man, I wish I did; as a Justice, I ought. To what source am I to apply for information? If I have not made that good use of a liberal and classical education, which others have done, yet have I not totally neglected it: an egotism I should on no account obtrude in this place, was the meaning of this word, which ought to meet and explain itself to common minds, at all obvious to mine.

Every one suspects the word Government alludes to Privy Council, &c.—Every one supposes who it may include, but no one knows whom it excludes. The circumferential limits of this magic circle are undefined, and unlimited—no one knows its boundary—it may reach from the Lords of the Bedchamber to the Beefeaters—it may include the Bow-street Runners, Messrs. JEALOUS, CARPMEAL, MACMANUS, and TOWNSEND, as officers attached to the Police and Government of the Country—it may stop short of them. To what point the incantation and spell extends, has no visible mark whatever.

The

The limitation of the Act during the natural life of his present Majesty, until the end of the next Session of Parliament, after a demise of the Crown; and by its not being further extended than that, to the Heirs of the Crown, seems as if his present Majesty required a personal security, unnecessary to his successor. But the historian, when he records the history of these bills, will doubtless say, that they were hurried through Parliament with the utmost rapidity, and against the greatest opposition which reason and argument, unassisted by numbers, could produce; that the Ministry, as of necessity, thought themselves obliged to couple the circumstance of those wretches, who insulted his Majesty, and to mix their transactions with the Mass of those People against whom the Sedition Bill was levelled; for that otherwise there would be no reason why a Prince, who, amongst many other manlike private virtues, possessed in a most eminent degree the family characteristic of personal valour and intrepidity—a Prince, who was well known never to have been shaken by any personal danger whatever, should, as from himself, wish to extend, at the price of the abridgment of his Subjects' Rights, an indemnity, or even an apparent personal security—unknown

to former—applicable only to the present—and unnecessary to future Kings of this Country.

I confider, therefore, Lord GRENVILLE's Bill as a kind of preface apologetical to Mr. PITT's, the preamble of which recites, that, "Whereas
 " assemblies of divers persons, collected for the
 " purpose, or under the pretext of deliberating
 " on public grievances, and of agreeing on petitions, complaints, remonstrances, declarations,
 " or other addresses to the King, or to both
 " Houses of Parliament, or either House of
 " Parliament, have of late been made use of to
 " serve the ends of factious and seditious persons, to the great danger of the public peace,
 " and may become the means of producing
 " confusion and calamities in the nation."

Now, if divers people have assembled for the purpose, or under the pretext, of deliberating on public grievances, and agreeing on petitions to the King, they were entitled so to do, long before the existence of the Bill of Rights, which formally, if they had it not before, thus says,
 " That it is the Right of the Subjects to petition the King, and all Commitments, and
 " Prosecutions for such Petitioning, are illegal."

And

And, being entitled to present such Petitions to the King, included naturally a Right of presenting them to Parliament.

If Factious or Seditious People, (by Seditious, I mean those intending Tumult, according to Johnson's definition) to the number of twelve, had unlawfully assembled together, however specious their plea might be : yet, if they disturbed the public peace, I conceive the Law, as it stood upon that subject, was, previous to the passing of these Bills, fully competent to disperse them. Because, in the year 1714, another very critical time, the Riot Act was passed, 1st Geo. stat. 2. chap. 5. of which the preamble and first clause are as follow :—" Whereas of late, many rebellious riots and tumults have been in divers parts of this kingdom, to the disturbance of the public peace, and the endangering of his Majesty's Person and Government, and the same are yet continued and fomented by persons, disaffected to his Majesty, presuming so to do, for that the punishments provided by the laws now in being, are not adequate to such heinous offences : and by such rioters his Majesty and his Administration have been most maliciously and falsely traduced, with

“ an intent to raise divisions, and to alienate the
“ affections of the People from his Majesty.—
“ Therefore, for the preventing and suppressing
“ of such riots and tumults, and for the more
“ speedily and effectual punishing the offenders
“ therein, be it enacted, by the King’s most
“ excellent Majesty, by and with the advice
“ and consent of the Lords Spiritual and Tem-
“ poral, and of the Commons, in this present
“ Parliament assembled, and by the authority
“ of the same, that if any persons, to the num-
“ ber of twelve, or more, being unlawfully,
“ riotously, and tumultuously assembled toge-
“ ther, to the disturbance of the public peace,
“ at any time after the last day of July, in the
“ year of our Lord 1715, and being required
“ or commanded by any one or more Justice or
“ Justices of the Peace, or by the Sheriff of
“ the County, or his Under Sheriff, or by the
“ Mayor, Bailiff, or Bailiffs, or other Head
“ Officer, or Justice of the Peace, of any city
“ or town corporate, where such Assembly shall
“ be by Proclamation, to be made in the King’s
“ name in the form herein after directed, to
“ disperse themselves, and peaceably to depart
“ to their habitations, or to their lawful busi-
“ ness, shall, to the number of twelve, or more,
“ notwith-

“ notwithstanding such Proclamation made, un-
 “ lawfully, riotously, and tumultuously remain
 “ or continue together, by the space of one
 “ hour, after such command or request, made
 “ by Proclamation, that then such continuing
 “ together, to the number of twelve, or more,
 “ after such command or request, made by Pro-
 “ clamation, shall be adjudged Felony, without
 “ benefit of the clergy.”

Here are now two very awful periods of history brought before us, in both of which the life of the Sovereign was endangered by actual Rebellion: I allude first to that of 1553, and what the mild and equitable spirit of the statute then was, I have before quoted. As to the later period, of which this preamble gives a legal and historical account, it appears that the public peace, by rebellious riots and tumults was much disturbed, and that to the endangering of his Majesty's Person and Government; and yet, though the pressure of the times was heavy, and the danger embodied, and great—yet, what followed, the Rights of the People to assemble, to discuss any measures of Government, was not questioned.

The

The law was vigorous and just ; it aimed at its point by proportioned means—it was a law of police, sufficiently coercive to stop assemblies met for the purposes of riot and tumult ; it aimed at nothing farther, and though the authority given to the Justice, was certainly much to be dreaded in theory, yet, if peremptory necessity, required it should be lodged somewhere—where it would, in all places be got at, and it was of moral impossibility to lodge it in any other hands to gain that end.

He who reads the preamble of these two bills, will in Mr. Pitt's discover a distant and remote fear of consequences, arising from facts which have never happened ; of factious and seditious people, who uttered not a single syllable of discontent ; however patiently they might have listened to these Seditiousists. If the people were guilty in hearing, these Seditiousists must be still more guilty in uttering sedition ; and yet these men have never been legally questioned on the subject, nor was any attempt made to bring them to trial,—no riot, or tumult, or confusion, had ever taken place. The preamble is poetical, but its clauses are tragic.

In

In the preamble of the 1st Geo. he will find strong facts, which had happened and were impending, of rebellion, riot and tumult; and clauses which went only to the preservation of the peace of the country, but not to the annihilation of its Liberties. Where the foundation of a building is laid in filthy mud, and where the elevation is contrary to all harmony, and acknowledged law of architecture; it is not necessary to cavil at the situation of each single brick. I shall not therefore wade through every clause, but confine myself more particularly to the first, as the first in point of magnitude—of indiscretion.

“ That no meeting of any description of persons exceeding the number of fifty persons, (except County Meetings, &c.) shall be holden for the purpose or on the pretext of considering, or of preparing any petition, complaint, or remonstrance, or declaration, or other address to the King, or to both Houses or either House of Parliament; for alteration of matters established in Church or State; or for the purpose or on the pretext of deliberating upon any grievance in Church or State; unless notice of the intention to hold such meeting, and of the time and place when and
“ where

“ where the same shall be proposed to be
“ holden, and of the purpose for which the
“ same shall be proposed to be holden, shall be
“ given, in the names of seven persons at the
“ least, being householders, resident within the
“ county, city, or place, where such meetings
“ shall be proposed to be holden ; whose places
“ of abode and descriptions shall be inserted in
“ such notice, and which notice shall be given
“ by public advertisement, in some public
“ newspaper usually circulated in the county
“ and division, where such meeting shall be hol-
“ den, five days at the least, before such meet-
“ ing shall be holden ; or shall be delivered in
“ manner herein after mentioned ; and that
“ such notice shall not be inserted in any such
“ newspaper, unless the authority to insert such
“ notice shall be signed by seven persons at the
“ least, being householders, resident within the
“ county, city, or place, where such meeting shall
“ be proposed to be holden, and named in such
“ notice : and, unless such authority, so signed
“ and written at the foot of a true copy of such
“ notice shall be delivered to the person requir-
“ ed to insert the same, in any such newspaper
“ as aforesaid ; which person shall cause such
“ notice, and authority to be carefully pre-
“ served ;

“ served; and shall also at any time, after such
 “ notice shall have been inserted in such paper,
 “ and within fourteen days after the day on
 “ which such meeting shall be had, produce
 “ such notice and authority, and cause a true
 “ copy thereof, if required, to be delivered to
 “ any Justice of the Peace for the county, city,
 “ town, or place, where such person shall re-
 “ side, or where such newspaper shall be print-
 “ ed, and who shall require the same: And, in
 “ case any person shall insert any such notice
 “ in any newspaper, without such authority, as
 “ aforesaid; or, in case any person to whom
 “ any such notice and authority shall have been
 “ delivered, for the purpose of inserting such
 “ notice in any such newspaper as aforesaid,
 “ shall refuse to produce such notice and autho-
 “ rity, or to deliver a true copy thereof, being
 “ thereunto required, as aforesaid, within three
 “ days after such production and copy, or either
 “ of them, shall have been so required, every
 “ such person, for every such offence, shall for-
 “ feit the Sum of Fifty Pounds to any person
 “ who shall sue for the same.”

We live in unhappy times, and our Consti-
 tution, that honest pride of our nature, is now
 shaking,

shaking, if a general spirit of pollution has so stained and degraded us, that a meeting of above Fifty Persons cannot now assemble, for the purpose of petitioning the King and Parliament for alteration of matters established in Church and State !

Has human wisdom run its length ? Can it receive no melioration ?—To the Legislature is wisely and properly consigned the power of making Laws, and to them alone this power by the people is delegated—but the Legislators themselves are daily annulling, altering, and amending what the progression of uncalculated causes, or the lubricity of human events require. If then the versatility of human affairs is such, as to impose almost as of necessity, a fluctuation of Legislative coercion and regulation, and that these alterations are meant to be for the good of that public, for whom, and over whom they act ; how, or why can it be, or ought it to be denied to fifty-one persons, to meet peaceably to consult or debate on any abstract subject of political matter ? Or to petition the King, or both or either House of Parliament, for alteration in matters of Church and State, when those authorities,

thorities, supposed to be delegated by this very people, are in the constant habits of so doing? If it is said, that the people are not debarred from meeting, but the meetings only regulated, let us go a little farther into the clause: first, observing, that the regulations, if so they are called, or imagined to be, are throughout the whole Bill calculated to impede the conveniency of meeting, to over-awe it by Magisterial Power, when met, and to punish it, and disperse it, by new and unappropriate severity. For, if above Fifty Persons wish to meet to petition the King or either House of Parliament, for alteration in matters of Church and State; they must not travel the open King's Highway, as the road leading to that measure—they must aberrate and wander from the old, common, and rightful way, and find out Seven Persons, at least, to help them to their ancient Right, who will give them the first preliminary of the sanction of their names and places of abode, which shall be inserted in a notice, which notice shall be given by public advertisement, in some public newspaper, usually circulated in the county.

To call a meeting, therefore, there are two parties first, by this clause, to be consulted—the

the first, seven householders, who are to give notice—and the next, the receiver of the notice, the printer of the paper. The latter party seems to have a large share of power in his hands ; for the meeting cannot be held without an advertisement, and he is not obliged to advertise it ; he may refuse Seven Shillings and Sixpence, if he likes so to do : the only encouragement he has to take it, is a penalty of Fifty Pounds, if he does not, within three days, after demand of any Justice of Peace, deliver up either the notice itself, or else a true copy ; so that the advantage he receives is hardly equivalent to the risk he runs.

There is, however, another mode allowed in the second clause, that the notice so signed by seven persons, may be transmitted to the Clerk of the Peace of the County, who is required to send immediately the notice to three Justices of the Peace, any one of whom, by the fourth and seventh clause, has a power of dispersing the assembly, and to make it liable to the penalties of Felony, without benefit of Clergy, *for words spoken by any individual member thereof.* However, the words spoken must be of a nature, somewhat resembling the definition

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tion the Bill gives to them, in the sixth clause, that is to say—they must go to the length of asserting, “ that any matter, or thing, by law
 “ established, may be altered otherwise than by
 “ the authority of the King, Lords, and Com-
 “ mons, in Parliament assembled, or shall tend
 “ to incite, or to stir up the People to hatred or
 “ contempt of the person of his Majesty, his
 “ heirs, or successors, or of the Government and
 “ Constitution of the Realm, &c.”

To be sure, at the first blush, it appears as of most monstrous and absurd incongruity, that any meeting, of more than Fifty Persons, meeting under the express authority of this Bill—meeting for purposes even authorised by it, should be at once placed in the awkward predicament of Felons, by any wandering orator, or propounder, who, perchance, may stumble upon those points, so grating to the ears of the present Government. By this law it may happen, that any individual at a public meeting, may, by his own means and act, cover and overwhelm the whole body of people assembled with attached guilt, originating from himself, and for which he alone ought to be responsible. If the orator should propound, that any matter or thing, by law estab-

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lished,

lished, may be altered, otherwise than by the authority of the King, Lords, and Commons, in Parliament assembled, he ought to be treated at least with proper mercy—his head should be shaved, and cooling drinks, and clean straw should be found him, till he recovers. There is much Madness, and very little Sedition, in a declaration of this sort.—If a mad dog runs wild about the streets, it is proper to muzzle or destroy him; but neither justice, morality, or law permit, to punish or shoot the people, for fear they should be bitten. If the orator should, by his discourse, tend to incite, or stir up the people to hatred or contempt of the person of his Majesty, his heirs, and successors, still upon his guilty head ought the punishment to fall; his intentions in so doing cannot be mistaken—he may in vain, perhaps, address a people, loyal and affectionate to the person of the head of their Constitution, they may possibly hear him with disgust; and, if they have these feelings, it is surely cruel and ungenerous that they should be implicated in felony, because they hear the sudden promulgation of sentiments, which they do not approve. This is, in plain fact to punish above Fifty innocent People for the crime of one—a dreadful contradiction of British Law and British Justice. If the orator
should

should propound any thing which may tend to stir up the people to the hatred and contempt of the Government and Constitution, still is the individual, but not the people assembled, guilty.

Respect, admiration, and esteem, are the sympathetic rewards which a good Government receives from a people who live happy and contented under wise Laws, properly administered. Hatred and contempt are feelings which no Act of Parliament can soften, or do away by coercion; it is a remedy inadequate to the disease. But suppose we forget a wise and benevolent maxim of our law, that it is better ten guilty persons should escape its punishment, than that one innocent man should unjustly suffer, (a proposition which this whole Bill is, however, calculated to negative and annul) and supposing, however contrary to all common justice and common sense, this Bill is grounded on facts of strong apparent necessity, and supported in its clauses by regulations of appropriate means, to secure its ends—and supposing that the whole nation was a corrupted Mass of Seditious and evil-minded men—of men who wished to lose all present property in the wild and fantastic hope of melioration—still, in all this heap of absurd supposition, let us

coolly consider the manners of the people, and the interior contexture of their habits, and let it then be determined—whether, if the people be in truth a factious and discontented set, they are likely to be regenerated and made loyal by this Bill—or, whether it is not calculated only to conceal, but not to cure Sedition. I here call upon the mass of foreign literature to support the assertion, that this country has been the chosen land for men of strong and ardent minds—for men, who, by abstruse study have given a stamp and value to philosophy, which has passed current through, and illuminated the world—of eloquence, which has torn the laurel from the brows of Greece and Rome; and he who doubts this latter assertion, may read the name of him to whom this mite is dedicated, and if he finds his equal in the annals of ancient history, let him name him: he may look in vain for his cotemporary.

England ever has been the darling seat of eloquence; the practice of oratory, with the exception of the first years of the French Revolution, has been almost exclusively confined to its shores. Here it has been nourished as the sure road to fame, whether exerted for the interest of religion, the bar, or the Senate! Eloquence, to be thus successful,

successful, must have had many admirers, and that it might be admired, it must be understood. This had diffused a general and enlightened taste throughout the land—apportioned, however, to the education and abilities of its possessor—and, therefore though, to the poor and uneducated mind, the same species of elegant refinement is neither appropriate, or felt, yet do they participate in common unity of taste with those above them: they have their subjects, and their orators to discuss those subjects, who do it in perhaps coarse but energetic language, but which hits with unerring truth the mark it is aimed at.

The habits of argument and mental struggle are neither confined to St. Stephen's Chapel, or the Courts of Westminster; they have crept from thence to every parish meeting—almost to every alehouse in the kingdom. This universal and general taste, must have a very strong effect on the manners and habits of the people; it has been the cause of their meeting more often together than they would otherwise have done, it has made them more gregarious, and they cannot bear this forced separation from their ancient rights and ancient customs, without groaning at the heavy restrictions these Bills have placed upon them.

But, after all, what are the effects of oratory in a public meeting, where the meetings are large, and unprepared by system. He who addresses himself to thousands in the open air, on abstract points of political tendency, has first, a prudent reserve not to commit himself to Government Prosecutions, or to that hostility of opinion which, in great crowds, must exist more or less, because the numbers who do, and may rush in, frequently break, puzzle, and entangle even the objects for which the meeting was originally intended. He cannot weigh, with any reasonable precision, the support he may receive from those whose persons and opinions he must in general be unacquainted with: much of what he says is lost upon some by apathy—in others, it is weakened by disapprobation; he cannot have sufficient powers of discrimination to know on whom the seeds of his discourse may vegetate, nor when they fall upon unprolific ground—like Demosthenes preaching to the waves, he addresses a fugitive and transient essence, which leaves behind it no visible mark of impression.

When I consider the mighty machine of a vast regular army, and that that unwieldy mass is only governed

governed by appointed leaders of tens, fifties, hundreds, and thousands; without which leaders, the whole bulk would become chaos and dead matter, till purified by discipline and guided in its action by appropriated leaders—I cannot help thinking that the clause restricting Meetings to Fifty Persons is regimenting the kingdom into companies of factious and discontented men. If the Meetings of large and unisal bodies of men, were reason of just alarm to a Government so strong and intrenched as ours is, when they appeared marshalled by no order, or led by no General impulse—have these restrictions either lessened the number of discontented men, or have they taken away the cause? Have they not rather impelled them not to separate, but to meet in fit and convenient numbers to be disciplined and drilled to Sedition, and to appoint their Captains? It has been said, that few or no Meetings have been held under these Bills; I believe it very probable, that few will now take place—and, it is said, that therefore the salutary effects of these Bills is proved. On the contrary, I think that faction is rather increased than diminished—that Sedition is sown by them but not buried—that the People rather than submit to the forms requisite for calling a legal Meeting, will enlist themselves into

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Societies

Societies of Fifties—and, if they do, then mark the probable consequences: I will take Fifty Men at a hazard, not creatures of fancy, possessing either superior qualifications of mind or fortune, but such as the average run of mankind can readily and naturally furnish. I will suppose only one general political point, in which all these men are agreed, as the foundation of their Meeting. In a Society of Fifty Men, indifferently chosen, there will, in common calculation, arise two or three men of mind or intrigue sufficient to lead the whole; these leaders will be linked to the whole, by personal acquaintance—by common views—by the insinuating habits of conviviality—they will rouse the timid, they will convince him who wavers, by hunting him down through all the mazes of his connexions, friends, and relations; they will know, not only whom they may trust, but also what degree of reliance may be separately placed on each individual. That all this may be done in a Society so limited, can scarcely be denied, and that it will be done, I very sincerely dread: these leaders of fifties may again meet other leaders of fifties, and the same dominion and power may be traced, till it reaches the last point of those to whom it may fall to be the leaders of the whole. This part, therefore, of the Bill seems to me in its effect to marshal and regulate

regulate Sedition—to stop its explosion in the open air—to pen it up in secret cells and nightly conspiracies—to give cadence and step to its operations—to assist its energy, and direct its action.

The fourth, sixth, seventh, ninth, and tenth clauses are armed with the dreadful power of death. It is shocking to consider in how many ways the life of the subject is assailed, and what is still more extraordinary, that, in most of these clauses so highly penal, the power by which they act is vested in one or more Justice, or Justices of the Peace, jointly and severally. It might very possibly happen, that six Justices might be present at a Public Meeting, legally called; that if called upon to act under the sixth and seventh clauses, where a power of dispersing is given; where any matter is propounded which should tend to incite the People to hatred and contempt of the Government and Constitution of this Realm; that five Justices might think the words spoken not liable to this construction, and one Justice might entertain a contrary opinion—and, yet this single and unsupported opinion of a single Justice, would, I conceive, run down and overpower the rest—and his order, however contrary

trary to the reason and opinions of the others, would be by itself sufficient to disperse the People, or to make them liable to the punishment of death, if they disobeyed it. It seems, therefore, to me very strange, that to perform the common acts of judicial magistracy, it should require the confirmation of two Justices to make an order of bastardy, or adjudge the settlement of a pauper, but that one should be competent to decide against the opinion of a decided majority of his fellows, upon words by which the life of man may be implicated; upon words spoken in an hurry, heard at a distance, and where the winds perhaps blow away half the context; upon words which may be faintly remembered or unskillfully understood; which attach, when applied to Government, to an indescribable unknown point. This is a power which no honest Justice can receive with pleasure, or act upon with certainty; it places him in a situation of unknown and disgusting responsibility; it makes him the Judge, the Jury, and the Executioner of the Law!

Who are the body of men who can be satisfied with such Laws as these? It cannot be those whose independence makes the stake they have in the country valuable! It cannot be those who
have

have ever felt loyalty for their King, and veneration for the Constitution, because they are libelled by those Bills, which go to say, that above Fifty Persons shall not meet for the political purposes therein mentioned. The rational Liberty of every honest man is now curtailed and lopped, not for the purpose of eradicating or curing, but only concealing that mischief, which gains its ends, more by private saps and approach, which these Bills engender, than by open and hostile appearance.

The same spirit which has conjured these monstrous phantoms of human fear, which have swollen with importance the puny powers of these Seditionists, as they are called, may not rest satisfied with what it has done.—There is something in success which brutalizes the human mind, which disarms discretion: when the Liberties of a passive people are attacked, the power which has torn them from that People is but too apt to be buoyed up by a bare title of possession, and to square their future conduct for future depredation, upon this principle, that they who silently and patiently consent to give up a part, lay no great stress on the preservation of the rest of their Rights. It is not the cruelty of the clauses

clauses of any particular Bill, which makes that Bill, for that reason alone, an object of contempt or hatred to the People of this Country, provided its plain and obvious necessity requires that severity—For example, the Revenue Laws, though they break into every trader's house, by night and day; though they thrust their hands into every man's purse; though their adjudication, in the first instance is determined by Justices, without a trial by jury, and that therefore their principle and practice are dissonant to the free spirit of the Constitution; yet do all men patiently and quietly acquiesce in them, for this reason, that unless they were thus executed, the Revenue of the Country would be dried up, and that the Revenue, however it may be misapplied when raised, must of transcendant and paramount necessity be raised, and that to raise it, the means used are the best, because they are the only ones adequate to the purpose. It is in cases like this, where the necessity is as apparent as the operations of arithmetical computation, that the subject scatters away with liberal hand, and chearful acquiescence, a part of his Right and Liberty. Suppose what happens almost daily in London, that a set of troublesome, wrongheaded men, made it a practice to interrupt the amusements of the audience; either at the
Opera

Opera House, or any other Theatre; it would certainly appear strange if his Majesty's Guards, or the Police Officers, or any other authority, should therefore stop the entertainment, turn the audience out of the house, and take no notice of the violence and indecency of those who made this measure necessary : and yet this is exactly what the spirit of these Bills performs ; it attaches no penalty confined to the propounder, except the bare apprehension of his person, it drives away persons, who perhaps did not expect to be addressed by any particular man, much less perhaps by him, who forces them by his indiscretion to retire.

The old principle of old English Law was to suppose every man innocent till he was proved guilty : the new fangled principle of these Bills, is to create, by means of one offending person, an implication of guilt on above Fifty, not one of whom perhaps ever saw, or knew, that this propounder ever existed. The Lords Lieutenants of the different counties with a few hackney propounders, may now crush, in embryo, all popular discussion whatever—they have nothing to do but to push their puppet forward with some speech, tending to create hatred and contempt of the Government and Constitution of this Realm,

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as by Law established; and if Ten Thousand persons were legally met, this one manœuvre curdles and poisons the innocence of the whole mass of persons so assembled, the Magistrate being by the sixth clause authorised to disperse them.

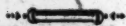
To what noble, generous, or prudent end, can these petty restrictions tend? If it is the orderly axiom of the day, that the public voice, because it is not lifted up, is dead and extinguished, shall every page of history be forgotten and blotted from our memories, which records, that in all countries where bad Laws have been enacted, in bad times, they have been repealed in good ones? Shall the very eye of history be torn out, because it tells us that the mighty voice of the people has rushed in, and burst asunder those Laws, which morality acknowledged not, and which neither suited the liberties or the interests of the People, and that we live now enjoying with gratitude that Freedom which this energy has produced? Or, shall we believe that ignorant and impudent assertion, that “when the Laws are once made, the People have nothing more to do but to obey them?”

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These Bills seem to be clumsy and awkward imitations of the Riot Act of the 1st Geo. stat. 2, chap. 5, as to the regulations of the clauses. As the Preamble of this Act has been before quoted, it is unnecessary to state any matter again relative to that: the brief abstract of the clauses is, "that twelve persons, *unlawfully, riotously, and tumultuously* assembled, and not dispersing after command of one Justice by proclamation, are adjudged Felons, without benefit of Clergy. That persons so assembled, and not dispersing, may be seized, and if they make resistance, the persons killing them are indemnified.— Pulling down any church, or any place of worship, certified or registered by the 1st of William and Mary, sess. 1st, chap. 18th, is made Felony, without benefit of Clergy.— Opposing the proclamation, or hindering the proclamation, is Felony without benefit of Clergy, &c. &c." The definition of a riotous assembly, as I understand it to be by this act, is an assembly of twelve, or more persons, meeting together with an intent mutually to assist each other against any one who shall oppose them with force and violence against the Peace. Now, if this, or any thing like this be true, the power given to the Magistrate is hardly more than Ministerial,

Ministerial, because, the actions, menaces, and appearance of the People so assembled, the time and place of their meeting, are all unerring clues to the unravelment of the object they wish to obtain, the Justice, therefore, is not so much called upon to exercise his judgment, as he is to exert his power, he has grounds of fact to go upon. The pulling down churches, which is made Felony by section the fourth, and which is also alluded to in section sixth, ninth, and tenth, shew also in part the evil meant to be corrected. The attempt to pull down a church, cannot be concealed, it must be apparent, it must be by action large and wide, by endeavour and attack impossible to be mistaken, or misunderstood. The operation of this Bill, was meant only to assist the statutes 34 Ed. III. chap. 1, and others for the security of the public peace, against men, either actually employed, or violently threatening to disturb it. This was, therefore, a wholesome coercion, on the bodies of those who ought to be restrained from acts of bodily violence, whilst Mr. PITT's Bill is a coercion on the Mind, and in the 7th clause of which we find the same dreadful penalty of death attached to pulling down an argument, as by the 1st of Geo. is enacted for pulling down a church.

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If men, by abstract proposition, or logical conclusion, or any other mental weapon, should attempt to incite an hatred and contempt in the People against a Corporal of Foot Guards, who receiving the Pay of Government, may, or may not, for what I know, be considered as part of that Government; he, by the seventh clause, above alluded to, is liable to the same penalties as would await him in the Riot Act, for riotously and tumultuously assembling. This accomplishment of pains and penalties of the same force, adapted to men who only think, in the same proportion as to men who act, shews, I think, an unlawful, riotous, and tumultuous set of ideas in the heads of those who framed this Bill, and who seem to think the idea, or thought of man, is as much to be punished as a fact committed.

The avenues to peaceable petition and remonstrance, provided we do not meet, are, thank God! still left open to us: they are still legal—they are the best—perhaps the only means we can avail ourselves of; I hope they will be strenuously used, and will meet with that success the Cause so justly merits. In my opinion,

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the most solemn act an individual can do, is to associate for the repeal of a Law once passed : he who does this, should prepare himself, by previous thought and meditation, by casting away as much as human frailty will permit—the delusive impressions of feeling ; he should place the grievance steadily before him, examine the principles of its creation, the operation of its force, and whether the ends it aims at obtaining will admit and justify the sacrifice of that share of Liberty it requires. And first, of the principles of the creation of Mr. PITT's Bill, he who walks only into its preamble, may judge of the solidity of the superstructure, by the weakness of the foundation on which it is built ; this Bill sets out with asserting that as fact which has been repeatedly denied so to be ; and which, if it were true, was liable to proof, which proof was never brought forward ; and had it even been brought forward, would not have been sufficient to tear the seal from the chartered Rights of the People, who had purchased and paid for this Right by the Bill of 1689, and where it is stated, “ That it is the Right of the Subjects to “ petition the King, and all commitments and “ prosecutions for such commitments are illegal.”

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I do not so much complain of the restrictive clauses placed on the conveniency of the Meeting; because they are lost in the magnitude of this one observation—which is, that if Fifty Thousand Persons are assembled legally, quietly, and peaceably to exert this natural and chartered Right, it is in the power of any proponent of matter, perhaps irrelative to the Meeting, to disperse and annul it. The public therefore have lost the power of petitioning, because it is in the power of every individual, by individual means to prevent it. Secondly, as to the operation of its force, it is not the penalty of the Blood of Man, now too cheap, which is so much the object of disgust, as that the innocent are sure to be punished for the act and deed of the guilty—for all those who assemble to listen only, if they are assembled legally, they must be innocent, *quo ad hoc*: the imputation of Sedition can only fasten on those who take an active part, on those who address the audience, and who have the strange power by their own individual absurdity, or guilt, to make the whole Meeting as they please, illegal or not illegal. The operations of this Bill punish all, correct none—its severity is unjust and unavailing.

Perhaps examples of condign punishment are only well applied, when the principles which guide the commission of the crime are such as are marked with the general abhorrence and detestation of mankind; in which case, these examples ought to stand aloof from the common occurrences of human life, and like a well wrought column, should present, from every side on which it is viewed, the harmony of its proportion, and the undeniable truth of its construction: so that men, when they walk around it, may pause with contemplative enquiry into its erection, and retire from its sight with reverence and instruction.

Thirdly, it is to be considered, whether the ends it aims at obtaining, will admit and justify the sacrifice of that share of Liberty, which it requires. The ends it aims at obtaining, are, I presume, the radical cure of Sedition: now Sedition is, I think, that disease of the mind, to which pains and penalties attached to the body are by no means likely to reach, much less do I think it probable, that pains and penalties attached to the bodies of those men, whose minds were sound, and free from taint, will have the least effect in working any reformation upon those minds which were before polluted.

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I never heard it well proved, that punishment was of so pleasing a nature, as to be perfectly palatable to those whose conscience tells them they deserve it not: and, therefore those men to whom every avenue of public discussion ought to be opened, as men who possibly may point out emendation, or who may honestly see danger, and wish to prevent its evil, cannot think themselves treated by these Bills with common Justice. The innocent man is disgusted, whilst those *solely against whom* these Bills ought to be levelled, are irritated by coercions and penalties, which so far from abridging or destroying Sedition, point out new, dark, and unthought of channels—where it may wander and creep in silence, till some event, perhaps even now vegetating, may call its latent powers into action, when it may burst and explode with a force the more tremendous, as it is the less calculated on and known.

I doubt not, there are many very honest men, who conceive, that by these Bills, a certain small quantum of Liberty is surrendered, to preserve the whole; but of those who so can argue, I believe few have read the Bills, and

many are in the receipt of some handsome annual emolument, for thinking well of public measures in the lump—that their daily opinion is purchased and paid for. The Bills themselves shew no grounds why the Liberties of the People should be abridged, and yet the grounds ought to appear there, if any there were: and, it is of absolute preliminary necessity, that the whole Liberties of the People should be first proved to be in danger, by positive, apparent, and uncontradicted evidence, before the abandonment of any part ought to be required for the preservation of the entirety. But when a Law therefore, immoral in its principle, militating in its action against the interests and habits of society, and directly increasing that very evil, which it means to destroy, is passed; then it is, that men, “minding honesty,” bear patiently and manfully the yoke imposed upon them of obedience. But this obedience, the virtue of wise minds, gives dignity and circumspection to the means they adopt of easing themselves of the burden. Their natural course is to associate with their brother sufferers in the cause; with those who sympathize with them
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on their falling, and decayed Rights ; they fortify each other by common opinion, of common danger ; reason and humanity are the only weapons they use, with which they attack these Bills in the open day. Convinced of the goodness of their cause, and how much they are interested in the repeal of bad Laws, they will not on the one hand, seek to rouse the sleeping Lion of the Country, nor on the other hand, will they ever slacken from the religious assiduity, of employing every peaceable, legal, and and constitutional means of getting them repealed. If they could indeed creep into our Statute Book, unobserved and untried, they might there lye concealed : but, if ever the weapons above alluded to are made use of ; if ever these Bills are brought forward, prominent to the eye of the public, two Summer Suns will not shine on them unrepealed.—It requires no tumult or popular commotion to destroy them ; the common artillery of common argument must batter them to pieces ; they are not embodied by any one virtue ; their punishment is rigorous, whilst the object to which it is directed is undefined and uncertain—they have no sinew, no muscle, no nerve—they are perfect phantoms of heated imagination—they will

vanish and glide away at the dawn of reason, like Hamlet's Ghost at the crowing of the Cock!

“ I think it passing strange,” that the desire of punishing Sedition should be so active, as to leap over all discreet bounds of former Law, and that no attempt should be made to prevent it. There are two modes by which this active spirit may be crushed: the first is rather coarse and severe, it is to banish all those who are even suspected to Botany Bay; the second, more preferable, is to endeavour to remove the cause. It is the fashion to suppose the People of this Country are of no weight and consequence—that the organ of their Speech is in the House of Commons, and in that House alone; and there in reality it ought to be—and there it will be when a Parliamentary Reform shall have taken place, but not before.

The People do not speculate on causes, but they are shrewd judges of events: as to this War, they never liked or approved it; because they well knew they must pay for it, and whether France was governed by a Monarch or a Republic, was a game of chance in which they were

were not interested—no, not even to the value of a penny-roll; but they have borne its burdens patiently for some time, and they perhaps may bear them patiently for some time longer. It is not wise to calculate too much on patience —“ ’twas the last barley corn which broke the “ camel’s back.” The system of Barracks has the merit of expence, and the advantage of patronage to recommend it; a million and a half of money expended in brick and mortar, shews a taste of separating the character of the Soldier from that of the Citizen: it is rather unconstitutional, but it serves the present purpose. If ever it should happen that the Army should be dissatisfied, that the seeds of discontent should fructify, in a profession peculiarly susceptible of quick feelings, and alive to the repulsion of every appearance of insult or injustice! these Barracks will be very convenient places either to receive the Law from, or to give it to the Country. The Profession of Arms is founded on obedience, and those who have so well practised the lesson of obedience, are best enabled to carry on the more difficult system of command.

The spirit of Subsidizing is not novel; it has only been pushed beyond all former parallel. We
subsidize

subsidize the King of Prussia for not fighting, who can fight : humanity perhaps gains by that. We subsidize the King of Sardinia, who would fight if he could : and there we give all, without the possibility of receiving any thing in return. We cripple and abuse our Credit by Loans guaranteed by this country, by which we purchase the reversion of a Bill to be determined in the Chancery of Vienna, or the reversionary Right of embarking in a future War. I mention these coarse and hackneyed topics, as a few sticks drawn from that bundle of grievances, which lay open and palpable to the eye of the People in general, as grievances so gross, that the most unlettered mind in England sees and understands them. To the chastisement of Providence, to that fierce Famine which cannot yet have ran its course, increased as it is by the profusion and waste, necessarily created by War, all men have bowed with reverential awe and submission.

He who casts his eye on the poor man's lot—who lives in habits of acquaintance with his misery ! in whose daily walk it lies to pass by the cottage ; has the task imposed upon him of listening daily to tales of unaffected woe and
patient

patient misery ! of poverty, of hunger, of despair ! He who calculates what the exertion of daily labour can perform, and what the earnings of that labour amount to, and what the amount of that labour procures, when transmuted into food—sees with an aching heart, that the sinews of useful and laborious industry are cut asunder ; that in a county near the metropolis, where the price of labour is higher than in any other part of England, the procurement of necessary aliment can scarcely be obtained—that it leaves certainly nothing to provide for the cloaths, or fuel, for the wife and family of the married labourer. Good God ! is it from men such as these that a farthing, or even the hundredth part of any other coin should be extracted, to carry on War, to subsidize Foreign Potentates, or to pay for Barracks ?

The operation of Taxes can never bear with equal pressure on the rich as on the poor ; he who has much, and from whom much is taken by Taxation, has still something considerable left ; it sleeps on the rich, to them it is only an abandonment of some useless and untasted luxury. The middle station of life meets it by a direliction of some comfort—but to the poor
it

it fastens upon the very morsel he holds in his hand—it stares the affrighted peasant in the face, and sweeps away as it acts upon him, a large part of the support of that bodily strength, on which his existence depends.

I own with pride and pleasure, that the exertions of private liberality have been extended in a degree perhaps unknown before, and that the effects of them have been extensively felt : but, let it be remembered, that the calls of hunger are regular and perpetual, and that those supplies which benevolence furnishes, are precarious, in point of time, and limited in point of numbers. Here then is that, which in all wise Governments should be avoided ;—a War, raging at a time, when a general cause, acting with general force, on the great Mass and Body of the People, has driven them to discontent, and may drive them to despair ! A Cause, not created by speculative fancy, but operating by daily attack on animal existence ! Shall it be said to him, who wearied with labour, and whose appetite is craving :—“ You are not
“ miserable, cast away your wants, they belong
“ not to human nature ; if you labour under
“ any sorrow it is the chastisement of Providence !

“ dence! It is true, we receive from you a part
“ of a large Revenue, but we can spare you no
“ part back; a just and necessary War swallows
“ up even more than we receive from you; if
“ you want Bread—we want Gunpowder.”

To be sure, his Majesty's Ministers are too prudent to hold a language of this sort; but it is much to be wished they would contradict it by their conduct. It cannot be unknown to them, that the object of this War was never calculated, or intended, to meliorate the interests, or condition of the People; that its success is far, very far remote from all probability of attainment, and that the struggle is carried on by Taxes on their Property and seizure on their Persons; and, if this is so, how can it possibly be popular? and if it is not popular, it cannot be prudent to be driving headlong a system of measures, odious and oppressive, to that power for whose interests only Ministers ought to exist. They ought to remember, that it is this system which has produced all the revolutions of the ancient and modern world.

Let us on this subject listen with respectful attention to the advice given, as the last public

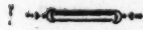
lic act of an illustrious father to his much loved son; let us listen to the opinions of a writer of the most elegant force and mind of the age he lived in; let us listen to the pathetic dignity of a man of sorrow, and acquainted with grief; let us listen to the dear bought experience of an anointed King of England, from whose grey and discrowned head the diadem had been torn: " My son," said Charles, " give belief to my experience, never to affect " more greatness or prerogative, than what is " really or intrinsically for the good of the " Subject, not the satisfaction of Favourites. " If you thus use it, you will never want means " to be a father to all, and a bountiful Prince " to any whom you may incline to be extra- " ordinarily gracious to. You may perceive, " that all men intrust their treasure where it " returns them interest; and if a Prince, like " the sea, receive and repay all the fresh " streams which the rivers intrust him with, " they will not grudge, but pride themselves " to make him up an ocean. These considera- " tions may make you as great a Prince as " your father is a low one, and your state may " be so much the more established, as mine " hath been shaken."

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The tide of events in this country has of late borne too strongly towards the increase of Aristocratic Power, and the demolition of Democratic Rights. The ancient and equitable poize of the interests of the People, has been broken down by bold and open attack, but still more by the sapping and undermining increase of corruption and influence. The Representation of the People requires to be invigorated, and recruited with a wholesome portion of Power and a liberal spirit of Freedom; and unless this is done, and that quickly, all authority will be lost: because the only moment in which this can be done with dignity, and without its being attributed to fear, is now when a general calm prevails, and when the mighty winds do not even ruffle the surface of affairs.

The present measures are innovation—a Reform is a restoration of Rights to that part of the Constitution from which they have slipped away, almost by imperceptible portions, into other channels, to which, in good old times, they appertained not, nor to which, in future times, ought they to belong.

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If the present moment is propitious to an attack on the Liberties of the People, there can be no risk in healing with one hand, the bruises which are given by the other. There is no reasonable fear that the People would not receive with gratitude and acquiescence, a restoration of an old Constitutional Right. They are not likely to be made drunk by being placed exactly on that seat, on which they have formerly, and on which they may hereafter demand to be placed. If any anarchy or confusion could arise, it would be confined to Borough Mongers, to Brokers and Traffickers of Public Liberty—a set of men, who unworthily hang on, and clog the machine of Government, whose interest might be bought up, and paid for, and no longer be permitted to exist in a large community, where they are contraband to all public virtue and public success.

The time is come, in which it would be discreet, as well as virtuous, in those who can force and strain the current of public measures, to lead them to some relief of more substantial effect to the poor, than speeches of elegant sympathy,

sympathy, and the promise of remote assistance; the poor can only receive this unavailing Charity with gratitude from those who have no more to offer. But from those who express the inclination and have the Power of relief, they expect redress substantial and effective: that it should be remembered, that the price of Wheat is considerably more than double what it was at this time last year, whilst the stock in consumption is certainly less by one-third; that, if Price is the tolerable criterion of quantity, which I think it is; the maximum of distress must be increased five-fold in July and August next, beyond what it was in those months last year: that this appeal is not to the mercy or humanity of his Majesty's Ministers, but to their prudence and judgment; whether we are not now so ingulphed in Danger, in Distress, and in Famine, as to make it real State Policy to consider the desperate situation of the poor—"To temper the wind to the shorn lamb"—to consider the Conquest of France as a secondary object, to one which appears to me to be the first:—I mean

THE SALVATION OF ENGLAND!

FINIS.



THE BIBLE AT THE